

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGANKyle Jason Summons # 59202

(Enter above the full name of the plaintiff(s), including prisoner number, in this action. If you cannot list all plaintiffs in the space provided, please write "see attached" and list all names on an additional page.)

v.

FILED - GR

April 24, 2023 1:15 PM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY:JMW SCANNED BY: KB/4/24**1:23-cv-419****Jane M. Beckering
U.S. District Judge**Rachel E. Keeley et al

(Enter above the full name of the defendant(s) in this action. If you cannot list all defendants in the space provided, please write "see attached" and list all names on an additional page.)

COMPLAINT

(Print Clearly)

I. Previous Lawsuits

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$402.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

NA

2. Is the action still pending? Yes ☐ No ☐

a. If your answer was no, state precisely how the action was resolved: _____

NA

3. Did you appeal the decision? Yes ☐ No ☐

4. Is the appeal still pending? Yes ☐ No ☐

a. If not pending, what was the decision on appeal? _____

NA

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☐

a. If so, explain: NA

II. Parties

A. Plaintiff(s)

Enter your name, place of confinement, address, and place of confinement during the events described in the complaint in the blanks below. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Kyle Javan Summons

Place of Present Confinement Van Buren County Jail

Address 205 S. Kalamazoo Street. Paw Paw, MI 49079

Place of Confinement During Events Described in Complaint _____

B. Defendant(s) Rachel E. Keeley et al

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. Provide the same information for each additional defendant. If there are more than six defendants attach extra sheets as necessary.

Name of Defendant #1 Rachel E. Keeley (p79169)

Position or Title prosecutor

Place of Employment Van Buren County prosecutors office

Address 212 E. paw paw street, paw paw, MI 49079

Official and/or personal capacity? official and personal

Name of Defendant #2 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #3 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #4 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #5 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

III. Statement of Claim

State here the **facts** of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. **Do not include unrelated claims.** Use as much space as you need. Attach extra sheets if necessary.

Prosecutor misconduct, Abusive power, Due to the fact she is very biased, racist, and prejudice towards me (Kyle Javan Simmons) Due to the fact that she worked for the same prosecuting office in which I was previously charged for the same crime in Allegan county and prosecuted. I am now being charged in Van Buren county where she is currently employed. I have proof that she coached the witness just to get a conviction. I can prove these facts but I would rather wait to provide them because I fear she will try to use this grievance against me in a vindictive manner because I still have a pending case. I have filed a ^{Grievance against} ~~civil suit against~~ her with the ~~United States district court for the Western District of Michigan~~. Attorney Grievance commission.
Thank you for your time.

Kyle J. Simmons

IV. **Relief**

State briefly and precisely what you want the court to do for you.

I want to file a civil suit on Rachel E. Keeley

V. **Notice to Plaintiff Regarding Consent**

In accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including a jury trial and entry of a final judgment. If you consent, any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Magistrate judges have greater flexibility in their schedules than district judges, who have heavy criminal caseloads that take priority over civil trials. Accordingly, the magistrate judges are generally able to schedule prisoner civil rights cases for jury trial much sooner, and they are able to provide firm trial dates. Magistrate judges are experienced trial judges who handle a great number of prisoner civil rights cases.

Your decision to consent to the dispositive jurisdiction of a United States magistrate is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all pretrial matters and would handle all dispositive motions by report and recommendation.

Please check **ONE** box below to indicate whether you voluntarily consent to proceed with a United States magistrate judge or if you would instead prefer that the case be assigned to a district judge.

☒ I hereby voluntarily consent to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.

☐ I request that this case be assigned to a district judge.

Date

3/30/2023

Signature of Plaintiff

Kyle J. Sumner

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.

Summons, Kyle #59202
208 S Kalamazoo St.
Paw Paw, MI 49079

RETURNED FOR ADD'L POSTAGE
WHEN REMAINING CROSS OUT THIS NOTICE OR PASTE STAMPS OVER IT

24 GRAND RAPIDS MI 493

21 APR 2023 PM 5 L



399 Federal Building
110 Michigan St
N.W. Grand Rapids,
MI 49503

THIS MAIL IS FROM A
PERSON INCARCERATED AT
THE VAN BUREN COUNTY JAIL

21 APR 2023 PM 5 L
GRAND RAPIDS MI 493

65002-230099

USA FOREVER

EARTH DAY